

The Honorable Barbara J. Rothstein

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST ENVIRONMENTAL
ADVOCATES,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, *et al.*

Defendants.

Case No. 2:21-cv-1637-BJR

**COMBINED JOINT STATUS
REPORT AND EXTENSION
MOTION AND ORDER**

On December 7, 2021, Plaintiff Northwest Environmental Advocates filed the above-referenced lawsuit against the Environmental Protection Agency, regarding the development of Total Maximum Daily Loads for certain types of water pollution in portions of Puget Sound. On February 8, 2022, the Court granted the Parties' joint motion to extend initial litigation deadlines in the interest of exploring settlement, and ordered the Parties to file a status report apprising the Court of the status of their discussions no later than May 16, 2022. Dkt. 14.

This case involves complex environmental issues, and implicates both state and local regulatory authorities. The Parties are in the process of exploring settlement options, including

1 consideration of a detailed settlement proposal, as well as how these discussions may be
2 impacted by other litigation regarding the State of Washington's ongoing efforts to address water
3 quality in Puget Sound and other waters.

4 Accordingly, the Parties wish to continue the extension of the currently pending litigation
5 deadlines for an additional 90-day period to facilitate continued discussion of a settlement
6 approach. At the close of that 90-day period, the Parties propose to file a joint status report to
7 advise the Court of the status of their discussions, and whether they request additional time to
8 pursue settlement. Should the Parties report that further settlement discussions are unwarranted,
9 the Parties propose to then file, no more than two weeks after submitting their joint status report,
10 a scheduling motion governing pending litigation deadlines. These include the deadlines for
11 EPA's responsive pleading and administrative record, as well as the items addressed by the
12 Court's initial scheduling order.

13 Accordingly, the Parties jointly request that the Court order them to file a status report by
14 August 15, 2022, to advise the Court of the status of their discussions and whether they request
15 additional time to pursue settlement, should that be appropriate. If the Parties conclude that
16 additional discussions are not warranted at that time and so advise the Court, then the Parties
17 request that the Court direct them to file, no later than August 29, 2022, a motion that proposes a
18 schedule to address the matters in the Court's initial scheduling order, as well as the dates for
19 EPA to file its responsive pleading and the administrative record.

20 There is good cause to grant this motion because it will allow the Parties time to explore
21 the possibility of a negotiated settlement, before engaging in active litigation that may not be
22 necessary and may impair their efforts to explore settlement. Thus, the relief requested in this
23 motion may preserve the resources of the Court as well as of the Parties.

24 ORDER

25 Based on the foregoing joint motion, and for good cause shown, the Parties shall file a
26 status report no later than August 15, 2022, apprising the Court of the status of their discussions
27 concerning a possible settlement and indicating whether they request additional time to pursue

1 such discussions. In the event the Parties conclude that such additional discussions are not
2 warranted and so advise the Court, the Parties shall then file, no later than August 29, 2022, a
3 motion proposing a schedule to address the matters in the Court's initial scheduling order, as
4 well as the dates for EPA to file its responsive pleading and the administrative record.

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6 It is so ordered, this 20th day of May, 2022.

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10 Hon. Barbara J. Rothstein
United States District Judge

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12 Respectfully submitted by:
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